

Exhibit 1

January 28, 2009

Fred T. Heinritz
Deposition Transcript
Excerpts

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

APPLETON PAPERS, INC., and
NCR CORPORATION,
Plaintiffs,
vs. Case No. 2:08-CV-00016-WCG
GEORGE A. WHITING PAPER COMPANY, et al.,
Defendants.

Deposition of FRED T. HEINRITZ
Wednesday, January 28th, 2009

9:51 a.m.

at

Hilton Garden Inn
720 Eisenhower Drive
Kimberly, Wisconsin

Reported by Sarah A. Hart, RPR/RMR/CRR

1 don't know about certain things so we can get to the
2 things that you do know. When paper -- you had
3 mentioned NCR provided the emulsion to coat the paper
4 with. Who supplied the paper?

5 A We bought that from various sources.

6 Q And then you at Appleton Paper -- Appleton Coated
7 Paper coated the paper with the emulsion to create
8 the NCR carbonless copy paper, correct?

9 A That's correct.

10 Q Who sold the paper to consumers?

11 A NCR.

12 MR. WESTERFIELD: Object to the form of the
13 question.

14 BY MR. BOGART:

15 Q Who was Appleton Coated Papers' customer?

16 A NCR.

17 Q So am I correct that NCR provided the emulsion,
18 Appleton Coated Paper made the -- coated the paper
19 and created the NCR carbonless and then sold it to
20 NCR?

21 A Yes.

22 Q Was that true the entire time you were with Appleton
23 Coated Paper?

24 MR. WESTERFIELD: Object, lack of
25 foundation.

1 THE WITNESS: Yes.

2 BY MR. BOGART:

3 Q At one point, Appleton Coated Paper became a division
4 of NCR; is that right?

5 A Yes.

6 Q So would it be true that the division would be
7 selling to its corporate --

8 A I don't know.

9 MR. WESTERFIELD: Objection, lack of
10 foundation.

11 THE WITNESS: Okay. I don't remember what
12 the billing arrangements were on that point, but NCR
13 controlled the whole thing.

14 BY MR. BOGART:

15 Q By NCR controlling the whole thing, do you mean they
16 determined how much would be made and where it would
17 go? What did you mean by that statement?

18 (Mr. Waskowski joins proceedings.)

19 THE WITNESS: Well, Appleton operated the
20 mill, so we made -- we made jumbo rolls of paper,
21 inventoried them, and then used those to fill the
22 orders that were provided by NCR, by their sales
23 force. So we didn't -- they didn't operate the mill
24 or dictate how we operated the mill or what kind of
25 inventories we carried or anything like that.

1 BY MR. BOGART:

2 Q Okay. So did you ship directly to NCR's customers?

3 A Yes.

4 Q In the manufacture of NCR carbonless copy paper,
5 waste was created, I assume?

6 MR. WESTERFIELD: Object to the form of the
7 question.

8 THE WITNESS: We had broke, trim.

9 BY MR. BOGART:

10 Q Can you define those terms for us? What do you mean
11 by broke?

12 A Broke was the paper that was left over after we took
13 out the perfect sheets or rolls. Edge trim, trim, we
14 referred to as the trim off the edge of the rolls.

15 Q So broke -- broke is produced when you make sheets,
16 and edge is when you make rolls? Or am I wrong about
17 that?

18 MR. WESTERFIELD: Object to the form of the
19 question.

20 MR. WELLS: Excuse me, this is Pat Wells.
21 Is it possible to have the microphone moved in
22 another location? For some reason, the audio is very
23 bad, and most of the witness's responses are
24 completely inaudible.

25 (A discussion was held off the record.)